UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,597	09/29/2000	Eric James	99EC036/77527	9867

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/675,597	JAMES ET AL.
	Examiner	Art Unit	
	JOSEPH T. PHAN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 January 2010</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-26</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-26 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

Claims 1, 12, and 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claims 1, 12, and 16 lines 4-6 recites the phrase "with configuration, real time and call

control information" which is unclear and confusing. Due to grammatical issues, it is not known

if 'real time' is provided or if it should read 'real time call control information', or another

interpretation. Grammatical use of commas and run-on limitations makes the claim indefinite.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

5.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 1-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Judkins et

al., Patent #6,587,556 in view of Judkins et al., Patent #6,970,915.

        Regarding claim 1, Judkins, as best understood due to the 112 issues above, teaches a

method of using voice to provide administrative access to a call center having at least one

administrator comprising the steps of:

        providing a computer within the call center with configuration, real time and call control

information for agents and agent groups of the call center(Fig.14-15, col.2 lines 20-63, and col.7

lines 57-64);

connecting an administrator responsible for management of the call center to the computer

through a voice response server, said management of the call center including configuration and

monitoring call center entities (Fig.14-15, col.2 lines 20-63, col.7 lines 57-64, and col.23 lines

46-56);

the voice response server processing requests from the administrator requesting operational

information from the call center about management of the call center including management of

call center entities(Fig.14-15 and col.7 lines 57-64), and the voice response server responding to

the requests by providing the operational information about management of the call center to the

administrator(Fig.14-15, col.2 lines 20-63, and col.7 lines 57-64).

Judkins does not expressly disclose processing telephone requests but does disclose a

phone interface(col.27 lines 24-26).

Partovi teaches processing telephone requests (107 Fig.2, 300 Fig.3, and col.7 lines 5-30).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify Judkins's system/phone interface to include processing telephone

requests as taught by Partovi (107 Fig.2, 300 Fig.3, col.6 lines 25-31, and col.7 lines 5-30).

One of ordinary skill in the art would have been motivated to do this as both Judkins and

Judkins are in a related field of endeavor and Partovi also teaches of managing information

through a Voice interface using a computer(Partovi col.6 lines 25-31 and col.7 lines 9-11) similar

to Judkins's interface and therefore also obvious to try with telephones. Using telephones are an

old and well-known method to manage information as shown by Partovi and also shown by

Judkins(col.27 lines 24-38). And using telephones to configure and provide information would

enable Judkins' system to be more flexible, efficient, and convenient.

Regarding claim 2, Judkins in view of Partovi teaches the method of claim 1 wherein the step of connecting further comprises the step of interfacing with a telephony server to receive telephony input from a remote administrator(Partovi col.6 lines 25-31 and col.7 lines 9-11).

Regarding claim 3, Judkins in view of Partovi teaches the method of claim 1 wherein the step of connecting to a voice response server further comprises the step of authenticating the administrator in the voice response server(Judkins col.14 lines 44-57 and Partovi col.5 lines 25-39).

Regarding claim 4, Judkins in view of Partovi teaches the method of claim 3 wherein the step of authenticating is performed by matching login names with passwords(Judkins col.14 lines 44-57 and Partovi col.13 line 63-col.14 line 10).

Regarding claim 5, Judkins in view of Partovi teaches the method of claim 1 wherein the step of processing further comprises translating an administrator's input into a command recognized by a computer in the call center(Partovi col.5 lines 15-50)

Regarding claim 6, Judkins in view of Partovi teaches the method of claim 5 wherein the computer includes an automatic call distributor(200 Fig.2) and call center command server(Judkins Fig.1-2, and Partovi col.7 line 35-col.8 line 11).

Regarding claim 7, Judkins in view of Partovi teaches the method of claim 1 wherein the step of processing adheres to the VoicexML standard processing further comprises the step of using speech recognition to translate an administrator's input into a command recognized by a computer in the call center(col.11 lines 6-16 and lines 53-60).

Regarding claim 8, Judkins in view of Partovi teaches the method of claim 1 wherein the step of responding further comprises the step of performing text to speech translation to aurally present information to administrators(col.11 lines 17-27).

Regarding claim 9, Judkins in view of Partovi teaches the method of claim 1 wherein the operational information includes at least one of call center applications(col.11 lines 53-60).

Regarding claim 10, Judkins in view of Partovi teaches the method of claim 1 wherein the step of processing employs learning a pattern of regularly used accessed commands of a respective administrator to automatically provide operational information about the call center to the administrator based upon the pattern(col.5 lines 15-25 and Judkins col.7 line 35-col.8 line 11).

Regarding claim 11, Judkins in view of Partovi teaches the method of claim 1 wherein the step of processing is interrupted by a barge in request to interrupt information presentations to permit quick retrieval of desired information(col.7 lines 25-30).

Regarding claim 12, Judkins, as best understood due to the 112 issues above, teaches a system for administrative voice to access call center operational information in a call center comprising:

means for providing a computer within the call center with configuration, real time and call control information for agents and agent groups of the call center(Fig.1-2, 14-15 and col.7 lines 57-64);

means for connecting an administrator responsible for management of the call center to the computer through a voice response server, said management of the call center including configuration and monitoring call center entities (Fig.14-15, col.2 lines 20-63, col.7 lines 57-64,

and col.23 lines 46-56);

means for processing requests from the administrator requesting operational information from

the call center about management of the call center including management of call center

entities(Fig.14-15 and col.7 lines 57-64), and means for responding to the requests by providing

the operational information about management of the call center to the administrator, said means

including means for recognizing and learning over time a pattern of regularly used commands of

a respective administrator to automatically provide regularly requested information based upon

the pattern(Fig.1-2, 14-15, col.2 lines 1-63, and col.7 lines 57-64).

Judkins does not expressly disclose processing telephone requests but does disclose a

phone interface(col.27 lines 24-26).

Partovi teaches processing telephone requests (107 Fig.2, 300 Fig.3, and col.7 lines 5-30).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify Judkins's system/phone interface to include processing telephone

requests as taught by Partovi (107 Fig.2, 300 Fig.3, col.6 lines 25-31, and col.7 lines 5-30).

One of ordinary skill in the art would have been motivated to do this as both Judkins and

Judkins are in a related field of endeavor and Partovi also teaches of managing information

through a Voice interface using a computer(Partovi col.6 lines 25-31 and col.7 lines 9-11) similar

to Judkins's interface and therefore also obvious to try with telephones. Using telephones are an

old and well-known method to manage information as shown by Partovi and also shown by

Judkins(col.27 lines 24-38). And using telephones to configure and provide information would

enable Judkins' system to be more flexible, efficient, and convenient.

Regarding claim 13, Judkins in view of Partovi teaches the system of claim 12 wherein the means for connecting includes a programmable computer configured to accept telephony requests(fig.2).

Regarding claim 14, Judkins in view of Partovi teaches the system of claim 12 wherein the means for processing includes a voice response server comprising a programmable computer(Fig.2 and Judkins col.7 line 35-col.8 line 11).).

Regarding claim 15, Judkins in view of Partovi teaches the system of claim 12 wherein the means for responding includes a programmable computer(Fig.2)

Regarding claim 16, Judkins, as best understood due to the 112 issues above, teaches a system for using voice to provide administrative access to operational call center information in a call center comprising; a call center containing configuration, real time and call control information for agents and agent groups of the call center(Fig.14-15 and col.7 lines 57-64); a call manager which accepts information requests by voice from an administrator of the call center(Fig.14-15, col.2 lines 20-63, and col.7 lines 57-64); a VXML interpreter that translates the operational information and the requests between the administrator and call center, and a network interface that manages transmission and receipt of data between the VXML interpreter and call center(Fig.14-15, col.2 lines 20-63, and col.7 lines 57-64).

Judkins does not expressly disclose processing telephone requests but does disclose a phone interface(col.27 lines 24-26).

Partovi teaches processing telephone requests (107 Fig.2, 300 Fig.3, and col.7 lines 5-30).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify Judkins's system/phone interface to include processing telephone

requests as taught by Partovi (107 Fig.2, 300 Fig.3, col.6 lines 25-31, and col.7 lines 5-30).

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to Judkins's interface and therefore also obvious to try with telephones. Using telephones are an

old and well-known method to manage information as shown by Partovi and also shown by

Judkins(col.27 lines 24-38). And using telephones to configure and provide information would

enable Judkins' system to be more flexible, efficient, and convenient.

Regarding claim 17, Judkins in view of Partovi teaches the system of claim 16 wherein

the call manager is a programmable computer which interfaces to a telephony server to receive

telephone input from a remote administrator(col.13 lines 22-28 and col.13 line 63-col.14 line

10).

Regarding claim 18, Judkins in view of Partovi teaches the system of claim 17 wherein

the call manager further comprises a telephony interface for receiving telephony input from a

remote administrator(col.5 lines 25-39).

Regarding claim 19, Judkins in view of Partovi teaches the system of claim 17 wherein

the call manager includes a database for authenticating users of the system(col.13 line 63-col.14

line 10).

Regarding claim 20, Judkins in view of Partovi teaches the system of claim 17 wherein

the call manager recognizes and learns a pattern of regularly used commands of a respective

administrator to automatically provide regularly requested operational information(*col.5 lines 25-51,* col.7 lines 5-12, col.11 lines 6-26 and Judkins col.7 line 57-col.8 line 11).

Regarding claim 21, Judkins in view of Partovi teaches the system of claim 17 wherein the VoicexML interpreter includes a programmable computer for translating telephony requests to VoicexML commands(col.11 lines 53-60).

Regarding claim 22, Judkins in view of Partovi teaches the system of claim 17 wherein the VoicexML interpreter includes a translator for rendering VoicexML commands into automatic call distributor commands(col.11 lines 53-60).

Regarding claim 23, Judkins in view of Partovi teaches the system of claim 17 wherein the call manager interrupts information requesting presentations in response to a barge in request from the administrator(col.11 lines 53-60).

Regarding claim 24, Judkins in view of Partovi teaches the system of claim 17 wherein the network interface includes local area network, Internet, extranet, and wireless network software(fig.1).

Regarding claim 25, Judkins in view of Partovi teaches the system of claim 17 wherein the network interface includes a programmable computer for translating VoicexML commands into data packets for a local area network(fig.1 and col.11 lines 53-60).

Regarding claim 26, Judkins in view of Partovi teaches the system of claim 17 wherein the network interface includes computer hardware which retrieves data from a local area network and translates the data into VoicexML commands(fig.1 and col.11 lines 53-60).

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Primary Examiner, Art Unit 2614